

Wahl and O'Gorman
USSN: 08/147,912
Filed: November 3, 1993
Page 4

Remarks

By the present communication, claims 25, 26, 42, 44 and 48 have been amended to define Appellants' invention with greater particularity. No new matter is introduced by the subject amendments as all amended claim language is fully supported by the specification and original claims.

Entry of the proposed amendments is respectfully submitted to be proper as the amendments directly address the issues raised under 35 U.S.C. § 112, first and second paragraphs, potentially removing these issues from the appeal.

Claims 25, 26, 28, 42-46 and 48 have been rejected and the specification objected to for allegedly failing to provide a reasonable written description, enablement and best mode for practicing the claimed invention. The Examiner specifically notes at page 3, lines 1-3 of the Office Action mailed July 14, 1994, that "the claims do not indicate that the first site is not precisely targeted; and therefore, such precise targeting refers to all sites." It is respectfully submitted to be clear in claim 25, as amended, that the targeted introduction of nucleic acids occurs in the second step, wherein the first step involves the introduction of the FLP recombination target site.

Claims 25, 26, 28, 42-46 and 48 have been rejected under 35 U.S.C. § 112, first paragraph, as the disclosure allegedly is not enabled for precisely targeting DNA to a predetermined site. It is respectfully submitted that claim 25, as amended, makes it clear that targeting occurs in the second

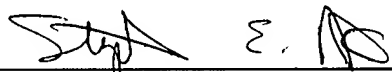
Wahl and O'Gorman
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Page 5

step, i.e., the step where integration of nucleic acid is promoted by contact with FLP recombinase.

Claims 25, 26, 28, 42-46 and 48 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. It is respectfully submitted that deletion of reference to nucleic acid in step (i) of claim 25 makes it clear that the DNA being precisely targeted is the DNA integrated by FLP-promoted recombination.

In view of the above amendments and remarks, it is respectfully submitted that the rejections based on 35 U.S.C. § 112, first and second paragraphs, have been obviated. In further view of the remarks set forth in the accompanying Appeal Brief, reconsideration and favorable action on claims 25, 26, 28, 42-46 and 48 is respectfully requested. In the event any minor matters remain to be resolved in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Respectfully submitted,



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